

// A special meeting of the Council of the City of Lynchburg, recessed from November 9, was held on the 23<sup>rd</sup> day of November, 2004, at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// City Manager Kimball Payne introduced Mr. Neal Barber, Virginia First Cities Coalition's first Executive Director. Mr. Barber provided a brief overview regarding the Coalition's accomplishments as well as short term challenges and long term issues that the Coalition will be addressing in the future. Mr. Barber also presented the Coalition's 2005 Legislative Agenda.

// Juvenile Services Director Pat Haley provided an overview regarding the pending relocation of Opportunity House residential program for at-risk males from Jackson Street to the Terry Cottage on the campus of Presbyterian Home and Family Services, Inc. Mr. Haley explained that based on the proven success of the public/private partnership that resulted in the 1997 relocation of SPARC House, the residential program for at-risk females, the continued benefits of relocating Opportunity House are increased opportunities for more efficient operations and service delivery, ready access to on-site cultural, recreational, educational and therapeutic services, and the continued willingness of the administration and staff of Presbyterian Home to provide resources that are either free or significantly discounted. In response to questioning, Mr. Haley stated that the future use of the Jackson Street property is being explored and that funds are available to maintain the property during the exploration phase.

// City Manager Kimball Payne presented an overview regarding the history, purpose and status of the Crosstown Connector project. Mr. Payne explained that Phase I traces Kemper Street, Park Avenue and Lakeside Drive to Lynchburg College, while Phase II continues along Lakeside Drive out to its intersection with U. S. 501. Mr. Payne stated that the estimated cost for the project has escalated, and that the latest estimates from the Virginia Department of Transportation (VDOT) call for the two-phase project to cost nearly \$60 million, with Phase I being completed by 2008 and Phase II by 2015. City Manager Payne did note that if the City decided not to continue with the project, that VDOT would probably seek reimbursement of the \$4.5 million costs incurred to date. Mr. Payne went on to say that City staff is reviewing a proposal submitted by a local consortium under a state law called the Public-Private Transportation Act (PPTA) that could get both phases of the road built by late 2009. Mr. Payne noted that the consortium has also proposed to build a long-planned connection of Atherholt Road and Lakeside Drive, and an extension of Breezewood Drive to U. S. 221. Mr. Payne questioned if the real benefit of the road now would be to make it easier for people to get to some of the large institutions in the center of the city, including Lynchburg General Hospital, Lynchburg College and The Plaza, and asked City Council to look at whether, decades after the project was first proposed, the function of the connector remains the same. Mr. Payne also suggested that City Council may want to consider the design and utility of the Crosstown Connector in concert with the development of the Midtown/Plaza Area Master Plan, which

would include an origin and destination study to determine the most efficient and effective ways to access the hospital. Mr. Payne did note that there are little things the City can do while it waits for the connector to be built to help route traffic more easily to Lynchburg General Hospital, i.e., changing signage or eliminating left-hand turn lanes on some streets. Mr. Payne explained that the cost for the Midtown/Plaza Area study is now estimated to cost \$150,000, and that in December Council will be provided more detail regarding the study and how the origin and destination study can be incorporated into the study. Council Member Gillette questioned if Phase II of the project was still needed, and whether or not VDOT might accept spot improvements throughout this corridor, especially at selected intersections, to improve safety and functionality. Following discussion, City Council agreed that Phase I will remain the focus of the project, voiced support for improvements throughout the Phase II corridor, and agreed to move forward with the traffic study in concert with the development of the Midtown/Plaza Area Master Plan, which would include an origin and destination study to determine the most efficient and effective ways to access the hospital.

// City Manager Kimball Payne stated that last year City Council directed that adjustments to the pay of Police Department employees be put in place January 1, 2004, to address three issues, i.e., turnover, difficulty recruiting, and a disparity between market and local pay. Mr. Payne explained that as part of that process, City Council adopted a Compensation Philosophy that was used to provide guidance for the subsequent adjustments. Mr. Payne went on to say that at that time there was also considerable discussion regarding pay in the Fire Department and that although not experiencing similar turnover or recruitment difficulties, pay in the Fire Department was, on the average, about the same amount, 8-10% below market, as in the Police Department. Mr. Payne noted that the City has had a long history of relative parity between the pay of police officers and firefighters, and although there were inadequate resources to address Fire Department pay at the same time as Police Department pay, there was a promise, implicit at least, to examine the issue a year later. Mr. Payne stated that the cost of making adjustments to Fire Department pay in a manner similar to that done for the Police Department last year is approximately \$1 million on an annual basis, and that the cost of implementation on January 1, 2005, would be approximately \$500,000 for the remainder of the fiscal year. Mr. Payne noted that there is \$126,000 in H.B. 599 funding available in the current fiscal year to address Fire Department pay, and that the additional funds of \$374,000 would have to come from the unrestricted General Fund Balance or the Reserve for Contingencies. In response to Council questioning, Fire Chief Buddy Martinette stated that with Bedford and Amherst counties switching to paid rescue operations, Lynchburg is starting to feel competitive pressure from its neighbors for quality recruits. Fire Chief Martinette went on to say that with twenty-five employees eligible for retirement in 2005, the department will need to be doing more hiring, and the qualifications for being a firefighter are getting tougher since they are fighting fewer fires and performing more emergency medical services. Several Council Members commented that pay parity has traditionally existed between the fire and police departments, and that higher salaries are needed to stay competitive among new recruits. City Council also discussed a January 1 implementation date versus

making Fire Department pay a top priority during the upcoming budget process. Following discussion, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-143, amending the Lynchburg Fire Department FY2005 Budget to reflect an additional expenditure of \$500,000 for salaries, and appropriating \$374,000 from the General Fund Undesignated Fund Balance to fund adjustments to the pay of Fire Department employees effective January 1, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Council Member Johnson left the meeting at 4:00 p.m., and prior to the discussion of Agenda Item #5.  
 // City Manager Kimball Payne stated that following the public hearing on November 9, City Council had asked that the Compson Development rezoning request be scheduled for further discussion, and that a copy of the entire traffic study be provided to Council Members. Council Member Gillette stated that after studying the matter further, he did not think the alternatives the developer would have for accessing the property without the rezoning were really viable and that the shopping center would only bring more traffic to the already clogged Wards Road area. Other Council Members agreed, stating that the shopping center would also add to the traffic problems in the adjoining Vista Acres neighborhood without any new tax dollars to the city. Mayor Hutcherson stated that he would like to at least talk with Campbell County regarding an arrangement to share the revenues from the shopping center or to get the county to help pay for some of the traffic improvements. Following discussion, and on motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote denied the petition of Compson Development, LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance to a proposed shopping center on property located in Campbell County:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert 5

Noes: Hutcherson 1

Absent: Johnson 1

// City Manager Kimball Payne stated that due to time constraints, Traffic Engineer Gerry Harter would not have time to present the power point presentation regarding traffic calming measures. Mr. Payne asked that City Council review that information, and stated that staff would begin development of a draft traffic calming philosophy to present to City Council at a later date, in addition to seeking copies of traffic calming policies from other localities.

// Council Member Seiffert provided an update regarding a meeting with the Roundelay Road residents concerning the use of traffic calming devices to deter speeding and cut through traffic through that neighborhood. Council Member Seiffert stated that various options were discussed, and that two recommendations are being presented for City Council consideration, i.e., installation of two speed tables on Roundelay Road in locations where there will be no water runoff onto any driveway, and possibly closing Roundelay Road at the location closest to Smoketree Lane but only after a public hearing with the

residents on Smoketree Lane and Willow Bend to assess their concerns with cut through traffic, speeding and safety concerns for their children. Council Member Seiffert also explained that since the speeding seems to be with people going to the three Masses on Saturday evening and Sunday mornings, it is entirely appropriate that the St. Thomas More Catholic Church pay for the speed tables. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote agreed to the installation of no more than three and no less than two speed tables on Roundelay Road in locations where there will be no water runoff onto any driveway, and to require St. Thomas More Catholic Church to fund the costs of the speed tables in accordance with a September 10, 2002, Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// During roll call, Council Member Gillette inquired regarding 416 Pearl Street, and City Manager Kimball Payne stated that he would check with the City Attorney to determine if the City could appeal the Court's ruling regarding the demolition of the structure. Council Member Gillette voiced concern regarding a serious feral cat problem in certain sections of the City and offered to work with City staff in developing a policy to address the situation, which could include licensing requirements for cats.

// The meeting was adjourned at 4:50 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of November, 2004, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Mayor Hutcherson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Absent: Johnson 1

// Copies of the minutes of the November 9, 2004 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of Police - General, Resolution #R-04-134 amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$4,500, fully reimbursable, for carrying out selective enforcement activities and investigations targeting DUI and other traffic safety violations, laid over from the November 9, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of Police - General, Resolution #R-04-135 amending the FY 2005 City/Federal/State Aid Fund and appropriating \$10,000, fully reimbursable, for selective enforcement activities targeting DUI and other safety violations, laid over from the November 9, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of Public Works - General, Resolution #R-04-136 appropriating \$8,941, fully reimbursable, for the continuation of litter control and recycling activities for FY 2005, laid over from the November 9, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson 6

Noes: 0

Absent: Johnson 1

// In the matter of Library - General, Resolution #R-04-137 amending the FY 2005 City/Federal/State Aid Projects Fund and appropriating \$38,507, fully reimbursable, to enhance early childhood literacy and

promote effective parenting, laid over from the November 9, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson	6
Noes:	0
Absent: Johnson	1

// In the matter of Human Services - General, Resolution #R-04-138 amending the FY 2005 City/Federal/State Aid Projects Fund and appropriating \$87,000, fully reimbursable, for the Juvenile Detention Alternatives Initiative, laid over from the November 9, 2004 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Seiffert, Hutcherson	6
Noes:	0
Absent: Johnson	1

// Council Member Johnson arrived at 5:02 p.m.

// City Council recognized and presented certificates to the graduates of the City's second Citizens Academy.

// City Council recognized News & Advance reporter Emily Battle, and wished her well on her new position in the Fredericksburg area.

// Mayor Hutcherson announced that Lynchburg has been designated as a Preserve America Community.

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #7 regarding a proposal to place a conservation deed restriction on approximately 1.3 acres of riparian buffer area that is located in the Sandusky Park. City Attorney Walter Erwin outlined the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-04-144, as presented, giving Home Depot, Inc., permission to plant native trees and shrubs on approximately 1.3 acres located in the Sandusky Park and authorizing the placement of a conservation deed restriction on the 1.3 acres in the Sandusky Park where the trees and shrubs are planted:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #8 regarding the sale of City-owned property at 1000 Jefferson Street to Rodney Taylor and authorizing the City Manager to execute a development agreement for rehabilitation of the property. Community Planning Director Rachel Flynn along with City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote

introduced and laid over to a later meeting for final action Resolution #R-04-145, as presented, authorizing the sale of City-owned property, i.e., the structure and land to be determined by survey at 1000 Jefferson Street, to Rodney Taylor for \$1.00 for rehabilitation of said property within three years from the date of the conveyance of the property, and authorizing the City Manager to execute the appropriate documents for the sale of the property:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #9 regarding the sale of City-owned property at 1016 Jefferson Street to Oliver Kuttner and authorizing the City Manager to execute a development agreement for rehabilitation of the property. Community Planning Director Rachel Flynn outlined the request. Mr. Oliver Kuttner provided an overview regarding the proposal he submitted for the rehabilitation of the building. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-146, as presented, authorizing the sale of City-owned property, i.e., the structure and land to be determined by survey at 1016 Jefferson Street, to Oliver Kuttner for \$1.00 for rehabilitation of said property within three years from the date of the conveyance of the property, and authorizing the City Manager to execute the appropriate documents for the sale of the property:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, a public hearing was held regarding City Council Report #10 regarding the execution of agreements between the City of Lynchburg/Lynchburg Regional Airport and Hertz, Avis, Enterprise, and Budget car rental companies for rental car concessions and leases at the Airport. Airport Director Mark Courtney outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-148, as presented, approving the execution of agreements between the City of Lynchburg/Lynchburg Regional Airport and Hertz, Avis, Enterprise, and Budget car rental companies for rental car concessions and leases at the Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Cable Television, Mr. Carlton Duck offered some insight regarding the current cable television contract negotiations between the City and Adelphia. Mr. Duck suggested that a citizen committee be established to advise and assist City staff on improvements for the new contract with the cable carrier. City Manager Kimball Payne stated that an update regarding the status of the cable television negotiations with Adelphia is scheduled for the January work session.

// In the matter of Industrial Development Authority, City Council Report #12 was considered. Mr. Ted Craddock, the attorney for the Lynchburg Industrial Development Authority, outlined the request. On

motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-148, as presented, authorizing Industrial Development Authority issuance of \$7,000,000 industrial development revenue bonds to Lynchburg College:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #13 was considered. Airport Director Mark Courtney outlined the request. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-04-149, as presented, amending the City Code to incorporate the new Airport Minimum Standards for Aeronautical Services or Activities at the Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Parks and Recreation - General, City Council Report #14 was considered. City Manager Kimball Payne outlined the request. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-150, as presented, amending the FY 2005 General Fund Budget and appropriating \$80,600 for the purchase of property located on Old Langhorne Road, adjacent to the Ed Page Entrance to the James River Heritage Trail:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 6:04 P.M. to December 14, at 1:00 P.M., to conduct a work session regarding several items.

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Clerk of Council